

Rev. 4/18

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 18-14360

Caption: National Labor Relations Board, Petitioner, v. Hyundai Motor Manufacturing Alabama, LLC, Respondent.	District and Division: <u>National Labor Relations Board</u> Name of Judge: <u>ALJ: Amchan; NLRB panel: Pearce, McFerran, Emanuel</u> Nature of Suit: <u>Violation of the National Labor Relations Act</u> <hr/> Date Complaint Filed: <u>July 29, 2016</u> District Court Docket Number: <u>NLRB Agency Case No. 15-CA-173419</u> <hr/> Date Notice of Appeal Filed: <u>Cross-application for enforcement filed 10/17/2018</u> <input checked="" type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify)	Linda Dreeben Usha Dheenan Rebecca J. Johnston	1015 Half Street SE Washington, DC 20570	T: 202-273-2960 F: 202-273-0191 appellatecourt@nlrb.gov

For Appellee: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify)	Marcel L. Debruge Michael L. Lucas E. Travis Ramey Meryl Cowan	Burr & Forman, LLP 420 20th St. N Suite 3400 Birmingham, AL 35203	T: (205) 251-3000 F: (205) 458-5100 mdebruge@burr.com mlucas@burr.com tramey@burr.com mcowan@burr.com
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Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input type="checkbox"/> Final Judgment, 28 USC 1291 <input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input checked="" type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input type="checkbox"/> Injunction <input checked="" type="checkbox"/> Other <u>NLRB order</u>	Amount Sought by Plaintiff: \$ _____ Amount Sought by Defendant: \$ _____ Awarded: \$ _____ to _____ Injunctions: <input type="checkbox"/> TRO <input type="checkbox"/> Granted <input type="checkbox"/> Preliminary <input type="checkbox"/> Denied <input type="checkbox"/> Permanent <input type="checkbox"/> Denied

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11th Circuit Docket Number: 18-13845-F

Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☐ Yes ☒ No
What is the issue you claim is one of First Impression? _____
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☒ Yes ☐ No
If Yes, provide
(a) Case Name/Statute National Labor Relations Act
(b) Citation 29 U.S.C. 151, et seq.
(c) Docket Number if unreported _____
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
(a) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☒ No
If Yes, provide
(a) Case Name _____
(b) Citation _____
(c) Docket Number if unreported _____
(d) Court or Agency _____
- (4) Will this appeal involve a conflict of law
(a) Within the Eleventh Circuit? ☐ Yes ☒ No
(b) Among circuits? ☐ Yes ☒ No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:

Whether substantial evidence supports the National Labor Relations Board's finding that Hyundai Motor Manufacturing Alabama, LLC violated Section 8 (a)(1) of the National Labor Relations Act by discharging three employees and coercively interrogating them.

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 31 DAY OF October, 2018.

Rebecca J. Johnston

NAME OF COUNSEL (Print)

/s/ Rebecca J. Johnston

SIGNATURE OF COUNSEL